

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00802-WYD-KLM

SCOTT LUNDY and MITZI H. LUNDY,

Plaintiffs,

v.

C.D. FLEET COMPANY, INCORPORATED,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiffs' Motion to Vacate and Reset Scheduling Conference** [Docket No. 7; Filed June 22, 2009] (the "Motion").

As a preliminary matter, the Court notes that Plaintiffs have not complied with the Court's Order Setting Scheduling/Planning Conference, which states "[a]bsent exceptional circumstances, no request for rescheduling any appearance in this court will be considered unless a motion is made FIVE (5) business days in advance of the date of appearance." However, since Defendant has not yet been served, it would be inefficient at this time to hold a Scheduling Conference. Accordingly,

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**. The Scheduling Conference set for June 24, 2009 at 10:30 a.m. is **vacated** and **reset** to **August 12, 2009 at 10:00 a.m.** in Courtroom C-204, Second Floor, Byron G. Rogers United States Courthouse, 1929 Stout Street, Denver, Colorado.

The parties shall submit their proposed scheduling order, pursuant to District of Colorado Electronic Case Filing ("ECF") Procedures. Deadline for submission of the proposed scheduling order is on or before **August 6, 2009**.

Parties shall submit a brief Confidential Settlement Statement in PDF format to Mix_Chambers@cod.uscourts.gov, on or before **August 6, 2009**. Parties not participating in ECF shall submit their confidential settlement statement, on paper by delivering to the office of the Clerk of the Court or by mailing directly to Magistrate Judge Mix at the Byron G. Rogers U.S. Courthouse. The envelopes shall be marked "Private per Magistrate Judge Mix' Orders."

Anyone seeking entry into the Byron G. Rogers United States Courthouse must show valid photo identification. See D.C.COLO.LCivR 83.2B.

IT IS HEREBY FURTHER **ORDERED** that Plaintiffs shall serve the Defendant on or before **August 6, 2009**.

Dated: June 22, 2009